

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

iM3NY LLC, *et al.*,

Debtors.¹

Chapter 11

Case No. 25-10131 (BLS)

(Jointly Administered)

**NOTICE OF *AMENDED*² AGENDA OF MATTERS SCHEDULED FOR HEARING
ON FEBRUARY 24, 2025, AT 10:00 A.M. (EASTERN TIME)**

THIS PROCEEDING WILL BE CONDUCTED IN-PERSON. ALL COUNSEL AND WITNESSES ARE EXPECTED TO ATTEND UNLESS PERMITTED TO APPEAR REMOTELY *VIA* ZOOM. PLEASE REFER TO JUDGE SHANNON’S CHAMBERS PROCEDURES AND THE COURT’S WEBSITE ([HTTP://WWW.DEB.USCOURTS.GOV/ECOURT-APPEARANCES](http://www.deb.uscourts.gov/ecourt-appearances)) FOR INFORMATION ON WHO MAY PARTICIPATE REMOTELY, THE METHOD OF ALLOWED PARTICIPATION (VIDEO OR AUDIO), JUDGE SHANNON’S EXPECTATIONS OF REMOTE PARTICIPANTS, AND THE ADVANCE REGISTRATION REQUIREMENTS. REGISTRATION IS REQUIRED BY 4:00 P.M. (EASTERN TIME) THE BUSINESS DAY BEFORE THE HEARING UNLESS OTHERWISE NOTICED USING THE ECOURT APPEARANCES TOOL AVAILABLE ON THE COURT’S WEBSITE.

I. MATTER(S) FILED UNDER CERTIFICATION:

1. Debtors’ Motion for Entry of Interim and Final Orders (I) Authorizing Continued Use of Existing Cash Management System, Bank Accounts, and Business Forms and Payment of Related Prepetition Obligations; and (II) Modifying Certain Deposit Requirements and Honoring Related Prepetition Obligations, filed on January 27, 2025 [[Docket No. 3](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Official Committee of Unsecured Creditors (the “**Committee**”) was given an extension to February 19, 2025.

Responses Received: None.

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective tax identification numbers, are as follows: (i) iM3NY LLC (N/A); and (ii) Imperium3 New York, Inc. (4574). The address of the Debtors’ corporate headquarters is 1093 Clark Street, Endicott, New York 13760.

² Amended items will appear in **bold**.

Related Pleadings:

- (a) *Interim* Order (I) Authorizing Continued Use of Existing Cash Management System, Bank Accounts, and Business Forms and Payment of Related Prepetition Obligations; and (II) Modifying Certain Deposit Requirements and Honoring Related Prepetition Obligations, entered on January 29, 2025 [[Docket No. 24](#)].
- (b) Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 32](#)].
- (c) *Revised* Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 35](#)].
- (d) Certificate of No Objection, filed on February 20, 2025 [[Docket No. 75](#)].
- (e) ***Final* Order (I) Authorizing Continued Use of Existing Cash Management System, Bank Accounts, and Business Forms and Payment of Related Prepetition Obligations; and (II) Modifying Certain Deposit Requirements and Honoring Related Prepetition Obligations, entered on February 20, 2025 [[Docket No. 85](#)].**

Status: **The order has been entered. Therefore, no hearing is necessary.**

2. Debtors' Motion for Interim and Final Orders Authorizing the Debtors to Pay Certain Prepetition Taxes and Related Obligations, filed on January 27, 2025 [[Docket No. 4](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee was given an extension to February 19, 2025.

Responses Received: None.

Related Pleadings:

- (a) *Interim* Order Authorizing the Debtors to Pay Certain Prepetition Taxes and Related Obligations, entered on January 29, 2025 [[Docket No. 25](#)].
- (b) Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 32](#)].
- (c) *Revised* Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 35](#)].
- (d) Certificate of No Objection, filed on February 20, 2025 [[Docket No. 76](#)].
- (e) ***Final* Order Authorizing the Debtors to Pay Certain Prepetition Taxes and Related Obligations, entered on February 20, 2025 [[Docket No. 86](#)].**

Status: **The order has been entered. Therefore, no hearing is necessary.**

3. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors and (II) Granting Related Relief, filed on January 27, 2025 [[Docket No. 7](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee was given an extension to February 19, 2025.

Responses Received: None.

Related Pleadings:

- (a) *Interim* Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors and (II) Granting Related Relief, entered on January 29, 2025 [[Docket No. 28](#)].
- (b) Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 32](#)].
- (c) *Revised* Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 35](#)].
- (d) Certificate of No Objection, filed on February 20, 2025 [[Docket No. 77](#)].
- (e) ***Final Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors and (II) Granting Related Relief, entered on February 20, 2025 [[Docket No. 87](#)].***

Status: **The order has been entered. Therefore, no hearing is necessary.**

4. Debtors' Motion for Entry of Interim and Final Orders Authorizing Debtors to (I) Pay Prepetition Wages, Compensation, and Employee Benefits and (II) Maintain and Continue Employee Benefits and Employee-Related Programs, filed on January 27, 2025 [[Docket No. 8](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee was given an extension to February 19, 2025.

Responses Received: None.

Related Pleadings:

- (a) *Interim* Order Authorizing Debtors to (I) Pay Prepetition Wages, Compensation, and Employee Benefits and (II) Maintain and Continue Employee Benefits and Employee-Related Programs, entered on January 29, 2025 [[Docket No. 29](#)].
- (b) Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 32](#)].
- (c) *Revised* Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 35](#)].

- (d) Certificate of No Objection, filed on February 20, 2025 [[Docket No. 78](#)].
- (e) **Final Order Authorizing Debtors to (I) Pay Prepetition Wages, Compensation, and Employee Benefits and (II) Maintain and Continue Employee Benefits and Employee-Related Programs**, entered on February 20, 2025 [[Docket No. 88](#)].

Status: The order has been entered. Therefore, no hearing is necessary.

- 5. Debtors' Motion for Entry of Interim and Final Orders Authorizing Debtors to (I) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder, (II) Continue Insurance Premium Financing Program and Pay All Obligations Arising Thereunder, (III) Renew, Revise, Extend, Supplement, Change, or Enter into New Insurance Policies, and (IV) Maintain Surety Bonds, filed on January 27, 2025 [[Docket No. 9](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee was given an extension to February 19, 2025.

Responses Received: None.

Related Pleadings:

- (a) *Interim* Order Authorizing Debtors to (I) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder, (II) Continue Insurance Premium Financing Program and Pay All Obligations Arising Thereunder, (III) Renew, Revise, Extend, Supplement, Change, or Enter into New Insurance Policies, and (IV) Maintain Surety Bonds, entered on January 29, 2025 [[Docket No. 30](#)].
- (b) Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 32](#)].
- (c) *Revised* Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 35](#)].
- (d) Certificate of No Objection, filed on February 20, 2025 [[Docket No. 79](#)].
- (e) **Final Order Authorizing Debtors to (I) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder, (II) Continue Insurance Premium Financing Program and Pay All Obligations Arising Thereunder, (III) Renew, Revise, Extend, Supplement, Change, or Enter into New Insurance Policies, and (IV) Maintain Surety Bonds**, entered on February 20, 2025 [[Docket No. 89](#)].

Status: The order has been entered. Therefore, no hearing is necessary.

6. Motion of Debtors for Entry of an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals, filed on February 3, 2025 [[Docket No. 42](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee was given an extension to February 19, 2025.

Responses Received: None.

Related Pleadings:

- (a) Certificate of No Objection, filed on February 20, 2025 [[Docket No. 80](#)].
- (b) **Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals, entered on February 20, 2025 [[Docket No. 90](#)].**

Status: **The order has been entered. Therefore, no hearing is necessary.**

7. Application of the Debtors for Entry of an Order Authorizing the Retention and Employment of Chipman Brown Cicero & Cole, LLP as Counsel to the Debtors Effective as of the Petition Date, filed on February 3, 2025 [[Docket No. 43](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee was given an extension to February 19, 2025.

Responses Received: None.

Related Pleadings:

- (a) Certificate of No Objection, filed on February 20, 2025 [[Docket No. 81](#)].
- (b) **Order Authorizing the Retention and Employment of Chipman Brown Cicero & Cole, LLP as Counsel to the Debtors Effective as of the Petition Date, entered on February 20, 2025 [[Docket No. 91](#)].**

Status: **The order has been entered. Therefore, no hearing is necessary.**

8. Debtors' Application for Entry of an Order Authorizing the Employment and Retention of Novo Advisors, LLC as Financial Advisor to the Debtors Effective as of the Petition Date, filed on February 3, 2025 [[Docket No. 44](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee and the Office of the United States Trustee (the "**Trustee**") were given an extension to February 19, 2025.

Responses Received:

- i. Informal comments from the Trustee.

Related Pleadings:

- (a) Certification of Counsel, filed on February 20, 2025 [[Docket No. 82](#)].
- (b) **Order Authorizing the Employment and Retention of Novo Advisors, LLC as Financial Advisor to the Debtors Effective as of the Petition Date, entered on February 20, 2025 [[Docket No. 92](#)].**

Status: The order has been entered. Therefore, no hearing is necessary.

II. CONTESTED MATTER(S) GOING FORWARD:

- 9. Debtors' Motion Seeking Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Lender; (III) Modifying the Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief, filed on January 27, 2025 [[Docket No. 11](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee was given an extension to February 19, 2025.

Responses Received:

- i. Informal comments from the Trustee.
- ii. Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtors' (I) DIP Financing Motion and (II) Bidding Procedures Motion, filed on February 19, 2025 [[Docket No. 74](#)].

Related Pleadings:

- (a) Declaration of Rob Vanderbeek in Support of Debtors' Motion Seeking Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Lender; (III) Modifying the Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief, filed on January 27, 2025 [[Docket No. 12](#)].
- (b) *Interim* Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Lender; (III) Modifying the Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief, entered on January 29, 2025 [[Docket No. 31](#)].

- (c) Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 32](#)].
- (d) *Revised* Notice of Motions and Hearing, filed on January 29, 2025 [[Docket No. 35](#)].

Status: The Debtors intend to present a proposed second interim order at the hearing.
This matter will go forward.

- 10. Application of Debtors (I) to Employ and Retain Hilco Corporate Finance, LLC as Investment Banker to the Debtors Effective as of the Petition Date, and (II) Modifying Certain Information Requirements of Del. Bankr. L.R. 2016-1, filed on February 3, 2025 [[Docket No. 45](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee and the Trustee were given an extension to February 19, 2025.

Responses Received:

- i. Informal comments from the Trustee.

Related Pleadings:

- (a) **Certification of Counsel, filed on February 20, 2025 [[Docket No. 93](#)].**

Status: A revised order has been filed under certification of counsel. Therefore, no hearing is necessary unless otherwise requested by the Court.

- 11. Debtors' Motion for (i) an Order Establishing Bidding Procedures and Granting Related Relief, and (ii) an Order Approving the Sale of the Assets, filed on February 3, 2025 [[Docket No. 46](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee and the Trustee were given an extension to February 19, 2025.

Responses Received:

- i. Informal comments from the Trustee.
- ii. Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtors' (I) DIP Financing Motion and (II) Bidding Procedures Motion, filed on February 19, 2025 [[Docket No. 74](#)].

Related Pleadings: None.

Status: This matter will go forward.

12. Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement a Key Employee Incentive Plan and (II) Granting Related Relief, filed on February 3, 2025 [[Docket No. 48](#)].

Objection Deadline: February 17, 2025, at 4:00 p.m. (Eastern Time). The Committee and the Trustee were given an extension to February 19, 2025.

Responses Received:

- i. United States Trustee's Objection to Debtors' Motion for Entry of an Order Authorizing the Debtors to Implement Key Employee Incentive Plan, filed on February 18, 2025 [[Docket No. 65](#)].
- ii. Objection of the Official Committee of Unsecured Creditors to the Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement a Key Employee Incentive Plan and (II) Granting Related Relief, filed on February 19, 2025 [[Docket No. 73](#)].

Related Pleadings:

- (a) Declaration of Rob Vanderbeek in Support of Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Implement a Key Employee Incentive Plan and (II) Granting Related Relief, filed on February 3, 2025 [[Docket No. 49](#)].

Status: **The Debtors intend to file a revised KEIP plan prior to the hearing.** This matter will go forward.

DEBTORS' WITNESSES:

- Rob Vanderbeek, Partner at Novo Advisors, LLC
- Richard Klein, Senior Managing Director of Hilco Corporate Finance, LLC

Dated: February 21, 2025
Wilmington, Delaware

CHIPMAN BROWN CICERO & COLE, LLP

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